

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	)	
	)	
v.	)	Criminal No. 00-111
	)	
ERIC LISH SWAN	)	

**MOTION FOR RELEASE PENDING HEARING ON  
PETITION ON SUPERVISED RELEASE**

AND NOW, comes your defendant, Eric Lish Swan, by his attorney, W. Penn Hackney, Assistant Federal Public Defender, and respectfully moves this Honorable Court to allow his release on the Petition on Supervised Release pending a hearing on the matter, and in support thereof sets forth the following:

1. On January 6, 2006, Mr. Swan was released to the supervised release portion of this Court's judgment dated March 21, 2002.
2. On April 14, 2007, the United States Probation Office filed a Petition on Supervised Release due to Mr. Swan's local charges and Mr. Swan's failure to appear at a local hearing. The Court Ordered a bench warrant for Mr. Swan and set bond at \$10,000. (Docket No. 54.)

3. Mr. Swan was lodged at the Allegheny County Jail on the local charges and this Court's warrant is lodged as a detainer.

4. On August 29, 2007, counsel was informed that the robbery charge was dismissed and some other charges have been dismissed, and his bond has been reduced on the remaining charges in state court such that Mr. Swan can be released but for this Court's detainer. Specifically, a charge of simple possession of narcotics is scheduled for trial before Judge Nauhaus in November, and charges of burglary and trespass are scheduled for trial before Judge Machen on December 4, 2007.

5. Mr. Swan successfully completed 15 months of supervision including drug testing and fully expects to be vindicated on the remaining state charges.

6. Mr. Swan seeks an opportunity to be released from this Court's detainer pending the resolution of the remaining local charges and to return to supervision pending that resolution and a final hearing on the Probation Office's Petition on Supervised Release.

WHEREFORE, for the foregoing reasons, your defendant, Eric Lish Swan, respectfully prays this Honorable Court to remove its warrant and detainer and return him to supervision pending the resolution of the local charges and a hearing on the Probation Office's Petition, and alternatively, Mr. Swan seeks a hearing on this Motion.

Respectfully submitted,

s/ W. Penn Hackney

W. Penn Hackney, Assistant  
Federal Public Defender  
Pa. Attorney ID No. 29671